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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,719	05/04/2000	TADASHI YAMAURA	2565-198P	3186
2292	7590	09/09/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			AZAD, ABUL K	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/530,719

Applicant(s)

YAMAURA, TADASHI

Examiner

ABUL K. AZAD

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on July 18, 2005.
2. Claims 19-24 are pending in this action. Claims 23 and 24 have been newly added.
3. The applicant's arguments with respect to claims 19-24 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Nomura et al. (C 2,112,145).

As per claim 19, Nomura teaches, "a speech decoding apparatus according to code-excited linear prediction, wherein the speech decoding apparatus receives a coded speech including a gain code and synthesizes a speech" (Page 5, lines 11-13), the speech decoding apparatus comprising:

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“a gain decoder for receiving the gain code and for decoding a gain of a speech in a concerning decoding period based on the gain code input” (Page 6, lines 10-23 and Fig. 1, element 140, speech decoder );

“a noise level evaluator for evaluating a noise level of the speech in concerning decoding period by using the gain decoded by the gain decoder” (Fig. 1, element 110, error detection unit and Page 9, line 18 to Page 10, line 28);

“an excitation codebook storing time series vectors” (Page 9, lines 18-27, excitation code book and excitation code vector)

“a noise level controller for changing a noise level of time series vectors output from an excitation codebook based on an evaluation result of the noise level evaluator” (Page 9, lines 18-27).

As per claim 21, it is interpreted and thus rejected for the same reasons set for in the rejection of claim 19.

As per claim 20, Nomura teaches, “a speech decoding apparatus according to code-excited linear prediction, wherein the speech decoding apparatus receives a coded speech including a linear prediction parameter code, an adaptive code, an excitation code, and a gain code and synthesizes a speech” (Page 5, lines 11-28), the speech decoding apparatus comprising:

- an adaptive codebook (Fig. 7, element 740);
- an excitation codebook (Fig. 7, element 750);
- a gain decoder (Fig. 1, element 140)
- a noise level evaluator (Fig. 1, element 110)

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- a noise level controller (Fig. 1, elements 150 and 160)
- a weighting-adder (Fig. 3, element 330 and 340)
- a linear predictive parameter decoder (Fig. 5, element 560)
- a synthesis filter (Fig. 5, element 570).

As per claim 22, it is interpreted and thus rejected for the same reasons set forth in the rejection of claim 20.

As per claims 23 and 24, Nomura teaches, “a speech decoding method according to code-excited linear prediction (CELP) wherein the speech decoding method receives a speech code and synthesizes a speech using at least an excitation codebook”, the speech decoding method comprising:

“obtaining a time series vector with a noise level from the excitation codebook” (page 11, lines 1822);

“determining whether modification of the time series vector is necessary, if modification is determined to be necessary, modifying the time series vector such that the noise level is changed” (page 11, line 22 to page 12, line 3);

“outputting the time series vector” (page 12, lines 1-3); and

“synthesizing a speech using the outputted time series vector” (page 12, lines 3-10).

***Response to Arguments***

6. The applicant argues on November 22, at page 4, that Nomura's voiced/unvoiced judging unit does not use decoded gain.

The examiner disagrees with the applicant's assertion again as before because Nomura teaches clearly voiced/unvoiced judging unit does uses decoding gain, for example see page 6, lines 11-23, particularly reads on "gains of the adaptive and excitation codebooks and amplitude of the speech signal, and outputs the result of decoding to a voiced/unvoiced frame judging unit 170", here comparison is made based on the decoded gain of current frame with decoded gain of non-error previous frame.

7. The applicant further argues on November 22, at page 4 and 5 "there is no disclosure in Nomura that either of these bad frame masking units 150 and 160 actually evaluates a noise level. Also, there is no disclosure that the bad frame masking units 150 and 160 use a decoded gain for the current frame or decoding period".

The examiner disagrees with the applicant's above assertion as before because Nomura teaches a noise error detection unit evaluates the noise level based on the decoded gain of the current frame and input to the frame masking units 150 and 160 see for example Fig. 1, elements 110, 150 and 160; and Fig. 7, also equation 4.

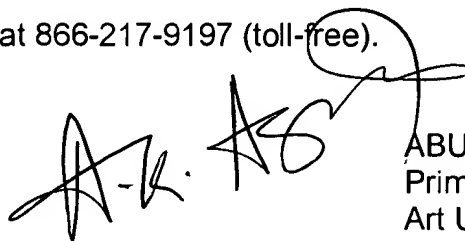
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***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABUL K. AZAD whose telephone number is (571) 272-7599. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHEMOND DORVIL can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'A-K. Azad', with a large, stylized flourish extending from the end.

ABUL K. AZAD  
Primary Examiner  
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August 18, 2005